BORA LASKIN LAW LIBRARY
3 1761 10084480 2

BANKING LAW

PARTS 3 & 4

Professor Baxter

1982-83

Faculty of Law

University of Toronto

LAW LIBRARY
SEP 17 1982
FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

BANKING LAW

PARTS 3 & 4

Professor Baxter

1982-83

Faculty of Law

University of Toronto

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/bankinglaw00baxt_2

BANKING LAW

Table of Contents

Part 1

Domestic Banking

	PAGE
Neufeld, "The Financial System of Canada" (1972, pp. 71-89 (history of the Chartered Banks).	1
Relationship of Bank and Customer	14
Payment Systems. Canadian Payments Association. (notes)	31
Bankers' Acceptances (notes).	36
Bills of Exchange Act, ss. 188-192 [consumer bills and notes] (notes)	38
Leasing (notes).	45

Part 2

International Banking

Export/Import Sales (notes).	50
Gutteridge & Megraph, "Law of Bankers' Commercial Credits" (1976) pp. 1-9, (mechanism of credits).	54
Gutteridge & Megraph, "Law of Bankers' Commercial Credits" (1976) pp. 90-119, (bills of lading).	60
Conflict of Laws and Bills of Exchange (notes)	81
Davis, "The Euro-bank (1976), chap. 1 (earlier patterns in international banking).	101
Lees, "International Banking and Finance (1974), chap.10 (banking in major countries).	111
Bell, "The Euro-dollar Market and the International Financial System" (1973), chap. 2 (origins and institutional mechanics).	126
Glendenning, "The Euro-dollar Market" (1972), chap. 2 (nature of the market).	133
Glendenning, "The Euro-dollar Market" (1972), chap. 10 (need for control).	143
Quinn, "The New Euro-Markets" (1975), chap. 5 (euro-bonds and euro-equities).	153
Bank Act, sections 302-307 on foreign banks.	170
Law and Policy in International Business, Note: "The 1980 Canadian Banks and Banking Law Revision Act: Competitive Stimulus or Protectionist Barrier?"	176

.../cont'd

Part 3

Cases

PAGE

The cases are intended for private study and it is unlikely that there will be enough time for them to be dealt with individually in class sessions. Students will be expected, however, to have read the majority of the cases. They are grouped in five chapters for convenience. Cases may also be assigned for pre-class preparation. 194

Part 4

Questions for Discussion

Students are expected to consider and think about some or all of the 30 Questions for Discussion. Questions may also be assigned for pre-class preparation. 603

TABLE OF CASES

Banker/Customer Relationship

Chapter 1

	PAGE
Jaochimson v. Swiss Bank Corporation	194
Arab Bank v. Barclays Bank	198
Royal Bank v. The King	202
Keyes v. Royal Bank	203
Villiers v. Bank of Montreal	211
Tournier v. National Provincial Bank	212
Slingsby v. District Bank	220
Ewing v. Dominion Bank	224
Prosperity v. Lloyds Bank	234
McHugh v. Union Bank	236
Gowers v. Lloyds Bank	238
National Westminster Bank v. Barclays Bank	239
Royal Bank v. Nowosad	245
Eccles v. Merchants Bank	248
Selangor United v. Cradock	255
Groves-Raffin v. Bank of Nova Scotia	277
Lloyds Bank v. Bundy	291

Chapter 2 - Negotiable Instruments

Burrows v. Sulsurface Surveys	299
Bank of England v. Vagliano	302
N. & S. Wales Bank v. MacBeth	307
Royal Bank v. Concrete Column	308
Crears v. Hunter	320
Oliver v. Davis	322
Crouch v. Credit Foncier	327
Lewis v. Jay	331
Canadian Bank of Commerce v. Brash	334
Royal Bank v. Boyce	336
McLean v. Clydesdal Bank	340
Giordano v. Royal Bank	345
Greenwood v. Martin's Bank	355
Bank of Montreal v. Bloomer	357
Fine Art Society v. Union Bank	360
Ontario Woodsworth v. Grozbord	361
No. 10 Management v. Royal Bank	366
Marfani v. Midland Bank	374
Imperial Bank v. Bank of Hamilton	378
Gallagher v. Murphy	381
Williams v. Shuster	385
Federal Discount v. St. Pierre	386
Bank of Nova Scotia v. Archo	396
Beneficial Finance v. Kulig	398
Interprovincial Building Credits v. Soltys	403
Bank of Montreal v. Heidt	409
Range v. Belvedere Finance	412
CIBC v. Lively	415

Chapter 3 - Export/Import Transactions

Prinz Adalbert	421
Brandt v. Liverpool Brazil	423
Ross Smyth v. Bailey	426
Julia	427
Guaranty Trust v. Hannay	431
Kwei Tek Chao v. British Traders	435

	PAGE
Weis v. Credit Colonial	443
Weddel v. Aziz	444
Rayner v. Hambros	445
Bank Melli Iran v. Barclays Bank	447
Commercial Banking of Sydney v. Jalsard	450
Pavia v. Thurmann - Nielsen	452
Sinason-Teicher v. Oilcakes	453
Urquhart Lindsay v. EasternBank	455
N.W. Bank v. Poynter	458
Lloyd's Bank v. Bank of America National Trust	464
Official Assignee of Madras v. Mercantile Bank of India	470
Sovereign Bank v. Bellhouse Dillon	476
Alan v. El Nasr Export/Import	476

Chapter 4 - **Bank Accounts**

Clayton's Case	483
Deeley v. Lloyds Bank	485
Re Oatway	490
Re Hallett	492
Re Diplock	500
Thomson v. Clydesdale Bank	505
Midland Bank v. Reckitt	507
Bradfield v. Bank of Ottawa	509
Ross v. Chandler	511
British & N. European Bank v. Zalzstein	519
McEvoy v. Belfast Banking	521
Brewer v. Westminster Bank	525
Young v. Sealey	527
Edwards v. Bradley	534
Re Reid	536
Russell v. Scott	537
Davies v. Bonnell	543
Hill v. Bank of Hochelaga	548
Arrow Transfer v. Royal Bank	549

Chapter 5 - **Guarantees**

McKenzie v. Royal Bank	563
Oxner v. Bank of Montreal	566
Oriental Finance v. Overend, Garney	571
Bradley v. Imperial Bank	573
Royal Bank v. Fleming	578
Cooper v. National Provincial Bank	580
Wright v. N.Z. Farmers	582
Traders Finance v. Ross	585
Gray v. Cameron	586
Bank of N.S. v. Neil	590
Truro v. Toronto General Insurance	597
Fox v. Royal Bank	600